Ministry of Intergovernmental Relations

Annual Report

April 1, 1984 to March 31, 1985

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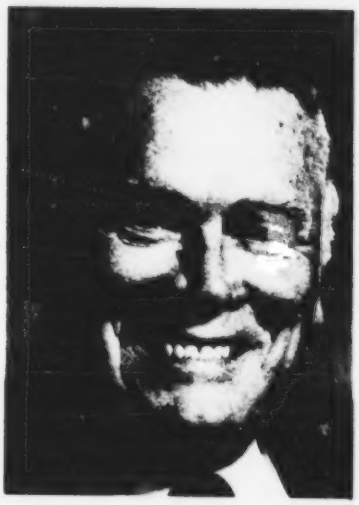

Honourable Garde B. Gardom, Q.C.
Minister of
Intergovernmental Relations

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Province of
British Columbia

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Intergovernmental
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EXPO 86

November 25, 1985.

His Honour Robert G. Rogers,
Lieutenant Governor of British Columbia

MAY IT PLEASE YOUR HONOUR:

Herewith I respectfully submit the Annual Report of the Ministry of Intergovernmental Relations for the fiscal year ended March 31, 1985.

Yours truly,

Garde B. Gardom, Q.C.,
Minister,
Intergovernmental Relations.

Encl.

Province of
British Columbia

OFFICE OF THE
DEPUTY MINISTER

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November 5, 1985

The Honourable Garde B. Gardom, Q.C.
Minister of Intergovernmental Relations
Parliament Buildings
Victoria, B.C.
V8V 1X4

Sir:

I have the honour to submit the Annual Report of the Ministry of Intergovernmental Relations for the fiscal year ended March 31, 1985.

Yours truly,

MELVIN H. SMITH, Q.C.
Deputy Minister

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Introduction

The mandate of the Ministry, which was established in 1979, is set out in the *Ministry of Intergovernmental Relations Act* as follows:

(a) to coordinate the activities of, to make recommendations to and to develop programs and policies for the Executive Council in relation to federal provincial, interprovincial and extraprovincial affairs, and

(b) to act as secretariat to the Executive Council and its committees and to coordinate policy development among the ministries.

To fulfill this mandate, the Ministry is divided into five major units: Federal Provincial Relations, Constitutional Affairs and Special Projects; Official Visits and Conferences; the Cabinet Secretariat; and B.C. House, London. This report highlights the activities of each of these during the 1984–85 fiscal year.

Since the election in September, 1984 of a new federal government committed to a substantial degree of federal provincial consultation and cooperation, the Ministry has been more fully engaged in this area of activity. This course is likely to increase in the near future as a number of significant federal provincial and international issues require resolution.

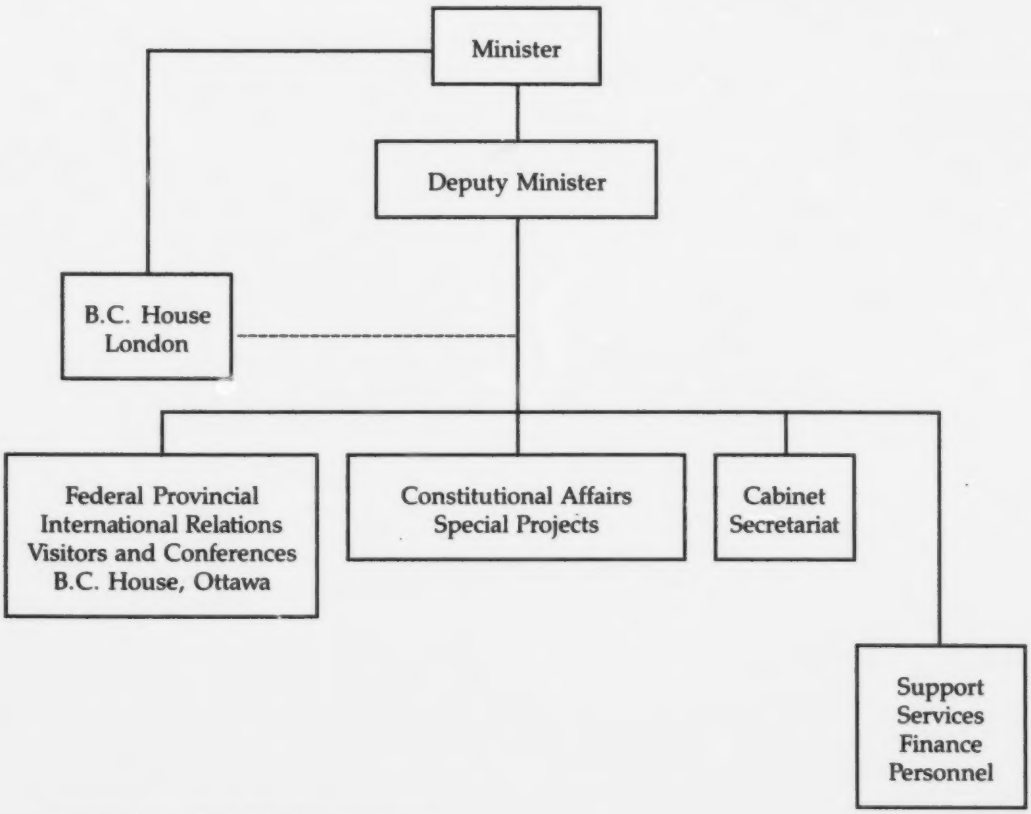
On the constitutional reform front, activity focussed on a number of Ministerial meetings leading to the second and third First Ministers' Conferences held to consider the issue of aboriginal rights. The Minister continued to gain support for the entrenchment of property rights in the Constitution. Both of these issues are ongoing. It is also anticipated that discussions may soon be initiated to consider constitutional proposals of the Government of Quebec.

The Cabinet Secretariat has undergone significant staffing adjustments during the year to better equip it to perform its tasks.

The well established and effective role which the Agent General and staff at B.C. House, London play, is expected to be increased through the promotion and handling of Expo-related activities in the period leading up to 1986.

Reorganizational changes during the period covered by this report have achieved substantial efficiencies. These, together with several new initiatives which have been undertaken, have resulted in greater cohesiveness in the pursuit of the Ministry's objectives.

Ministry of Intergovernmental Relations



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Federal Provincial Relations

The basic objective of Federal Provincial Relations is to ensure that British Columbia's relations with the federal government, the governments of other provinces, and the governments of other countries are conducted in a consistent, coordinated, and effective manner. To accomplish this objective, the Ministry has a Federal Provincial Relations Division, which comprises three areas of activity: International Relations, Federal Provincial Relations, and B.C. House, Ottawa.

The Division is responsible for coordinating British Columbia's overall approach to intergovernmental relations; monitoring activities of the federal, provincial, and foreign governments, and the possible effects of those activities on provincial affairs; and keeping all line ministries informed of current developments in other jurisdictions.

The nature of these responsibilities is such that these Programs are the main formal point of contact between the British Columbia government and other governments. Liaison is also maintained with all provincial ministries.

As a central agency of government, the Division's main clientele is the Office of the Premier and the other B.C. Ministries. It also provides assistance to other governments in the course of its work. It has a staff of eight people.

International Relations

In the area of International Relations, the Division is designed to be a major link between the British Columbia government and the Federal Department of External Affairs. It acts as a conduit for information from federal authorities, and coordinates provincial responses to federal requests for input on issues with international ramifications. Its coordination role is achieved by various means, including:

- convening meetings of ministries that could be affected by decisions of foreign governments or by international policies of the federal government;
- providing advice to other ministries on international matters; and
- directly acting as observers for the B.C. government on several international committees or commissions.

In addition to this coordinating function, the Ministry represents the B.C. government at federal provincial discussions of international issues and on Canadian delegations.

The Ministry plays a major role in regional relations involving the United States. It coordinated the preparation of briefing material by various ministries for the September 7, 1984, tri-lateral heads of government meeting involving Alaska, British Columbia and Yukon, held in Dawson City. The Division also ensured a follow-up on major issues discussed at the meeting.

Other international issues on which the Ministry, in cooperation with other ministries, contributed to the formulation of the British Columbia position include: provincial involvement in the International Youth Year; discussions with officials of the federal government on British Columbia representation abroad and the formulation of the province's position on Canada/U.S. trade issues, particularly the softwood lumber question.

During 1984-85, British Columbia continued to broaden its international perspective with the result that many ministries have ongoing activities with foreign governments, mainly the United States. Because of that growing interest in cultural, educational, and economic matters, the Division expanded its monitoring of international events. In particular, it initiated the regular tracking of those policy initiatives on the American scene which might affect the province, and distributes this information to all provincial ministries ten to twelve times a year.

Skagit Valley

The Ministry played a major role in the substantive negotiations leading to the settlement of the long standing issue with Seattle City Light over the possible flooding of the Skagit Valley.

On April 2, 1984, Canada and the United States signed a treaty wherein the City of

Seattle was furnished electrical energy for compensation in exchange for agreeing not to raise the Ross Dam and flood B.C.'s Skagit Valley. In October 1984, the Governments of Canada and British Columbia signed an agreement implementing the treaty. (See Appendix D(a))

Sage Creek

The Ministry coordinated efforts of various ministries dealing with the application of the Sage Creek Coal Company to build an open pit coal mine at the Canada-U.S. border. The issue also involves the United States government and the State of Montana.

During 1984-85, the province participated in Canada-United States consultations, after which it was agreed that the possible transboundary environmental impact of this project warranted a fact finding reference to the International Joint Commission. This Division follows the work of the Commission, and keeps the ministries concerned informed on the progress of the Commission's work. The Division also provides an observer on the Flathead Basin Commission established by the Montana Legislature.

Alaska Panhandle Access

In the past year, the Ministry facilitated consultations between the federal government and provincial ministries in the development of a joint position on this question. Input from various ministries was sought and individual views were integrated in a paper later adopted as the Canadian official position. The Ministry represented the province on the Canadian delegation at Canada-U.S. consultations on this subject.

At issue is the provision of Canadian transportation access through Southeast Alaska (the Alaska Panhandle). Such transportation options could be crucial for the economic development of the northwest region of the province.

Federal Provincial Relations

Federal provincial relations responsibilities include the monitoring of existing federal provincial programs and activities, and participation in discussions leading to the development of new agreements. The Division provides a continuing assessment of government decisions in other provinces. It also prepares, for the Minister and the Premier's staff, regular analyses of the general state of federal provincial relations and in what manner B.C.'s interests are being affected.

This Division is involved in the coordination of British Columbia's response to federal initiatives that affect the province. The Ministry takes a lead role in the preparation of briefing material and the provision of logistical support for major federal provincial and interprovincial conferences, especially at the Heads of Government level.

This Division has continued a quarterly updating of the Federal Provincial Information System. This systematic inventory, which is made available to all provincial Ministers and their Deputies, covers approximately two hundred and fifty intergovernmental issues and agreements.

In order to improve the assessment of federal provincial agreements, the Division undertook, in conjunction with the Ministry of Finance, an ongoing review of the administrative policies and procedures related to these agreements. Provincial government revenue derived each year from federal provincial agreements accounts for approximately twenty percent of total provincial revenue.

To assess developments on the federal scene and to increase understanding of the intentions of the federal administration, the Division produces a monthly report which summarizes policy initiatives, reviews federal statements, and personnel changes at the federal level.

To keep provincial ministries abreast of policy decisions in the other provinces and in the two territories, a review of these initiatives is contained in a monthly report.

The services of the Division are utilized by line ministries to facilitate the flow of information between them and their federal and provincial counterparts. Intergovernmental officers are assigned responsibility for specific policy areas and provinces.

The Ministry contributed to the formulation of the province's position on a wide range of

federal provincial issues including immigration policy, the *Young Offenders Act*, possible amendments to the *Patent Act* that would affect the pharmaceutical industry, the Macdonald Commission, and privacy protection and access to information legislation.

In 1984–85, this Division coordinated the preparation of briefing material for the February, 1985 First Ministers' Conference and the Annual Premiers' Conference in August, 1984. In May, 1984, the province hosted the Western Premiers' Conference in Kelowna with the Division being actively involved in the provision of administrative and support services as well as in the coordination of all briefing documents.

The coordinating role with respect to intergovernmental conferences entails informing line ministries of the topics to be discussed and assisting them in the preparation of relevant briefing notes for the Premier and senior government officials. This Division is also directly involved in follow-up work from the conferences, as well as informing line ministries of the contents of communiques from the conferences.

The new federal administration, since its election on September 4, 1984, has issued a large number of position papers on issues of overlapping jurisdiction with the provinces, for example, financing of post-secondary education, regional economic development, reform of financial institutions, and responsibility for social housing. This Division monitors policy developments in such key areas and provides input to line ministries in the preparation of the Province's response.

The past year was very active, and it is anticipated that 1985–86 will prove to be even busier, as decisions are made in a number of major areas of national policy.

British Columbia House, Ottawa

When British Columbia House was established in 1980, one of its major functions was to provide an improved communication link between B.C. and the federal government. Much of its current activity focuses on monitoring policy and legislative initiatives of the new federal government. B.C. House facilitates speedy transmission of policy statements and papers to provincial ministries.

During the 1984–85 fiscal year, British Columbia House assisted in keeping B.C. Members of Parliament apprised of the position of the B.C. government on a number of issues including the ongoing negotiations concerning the Canada-British Columbia Economic and Regional Development Agreement (ERDA). In addition, B.C. House arranged a meeting for the Premier with the B.C. caucus of the federal government.

Several ministries continued to utilize the resources of this office. Support services were provided to Ministers and officials who were attending conferences and/or meetings in Ottawa. Because of less frequent travel reflecting the province's restraint measures, reduction in the number of visits of government officials to the office was experienced.

In the later part of the year, a daily newspaper clipping service was introduced which was transmitted to Government Information Services in Victoria for circulation to government offices.

A significant number of requests were received from the public for information pertaining to British Columbia. As Expo 86 activity increased, an escalating number of inquiries concerning this World Exposition were also handled.

Official Visits and Conferences

During 1984–85, this unit coordinated fifty foreign visits to the province by political representatives, foreign diplomats, government officials, academics and journalists. The visitors were particularly interested in discussing Expo 86, trade, agriculture and energy matters. Countries represented included: Australia, Thailand, Japan, Holland, U.S.A., Norway, Sweden, Italy, France, West Germany, New Zealand, Korea, Iceland, Belgium, Mexico and a substantial number of visitors from the People's Republic of China.

This office coordinated logistical and international meetings, including the signing of the Skagit Agreement and organizing the 1984 Western Premiers' Conference, which was held in Kelowna. It also assisted in the planning of several foreign visits by British Columbia Ministers and officials and helped brief a number of Canadian Ambassadors-Designate before they took up their positions abroad.

Expo 86 Official Visits

With the appointment of the Minister as Chairman of the Cabinet Committee on Expo 86 Official Visits, additional duties were assigned to this area of responsibility. Other members of the Cabinet Committee are the Honourable Claude Richmond, Honourable Don Phillips, and Honourable James Chabot. The Deputy Minister of the Ministry is the Committee's Secretary.

The Ministry has employed a full-time Coordinator of Official Visits, while the Ministry's Director of Visits and Conferences has been appointed as a Deputy Coordinator.

The mandate of the Coordinator is to facilitate the attendance at Expo 86 of political, business and professional leaders selected from throughout the world who can assist in achieving long term provincial objectives, and is also to ensure a provincial presence in the arrangements for all official visitors.

Constitutional Affairs and Special Projects

Role and Organization

The mandate of the Ministry of Intergovernmental Relations, as laid out by the Premier in a news release on November 23, 1979, includes responsibility "to coordinate and develop B.C.'s policy on proposals to reform federalism". Proposed reforms to the Canadian federal system and changes to the Constitution of Canada are handled within the Ministry by the Constitutional Affairs and Special Projects Division.

This Division monitors all federal provincial developments affecting constitutional affairs and issues of legislative authority amongst the various governments in Canada. The Division provides expertise for policy development, policy coordination and the effective conduct of constitutional and other related federal provincial negotiations and discussions.

Within the general field of intergovernmental relations, constitutional issues are often germane to these relationships. The Constitution prescribes the "rules" by which the broader federal provincial relations process is developed. Accordingly, this Division works closely with the Federal Provincial Division of the Ministry, other provincial ministries, and other governments on constitutional and related major intergovernmental matters.

The Division ensures that the Premier, the Minister, and Cabinet are well advised and well represented, and that positions to advance the interests of the province are put forward effectively at constitutional negotiations and other related federal provincial discussions.

While the major role of the Division is largely one of original policy development, the Division is also involved in cross-ministry policy coordination. The Division also advises other provincial ministries on British Columbia's policies and consults with other governments, institutes, academics and individuals for the purpose of obtaining their views on relevant issues.

Whereas the work of the Ministry of Attorney General, in the area of constitutional law, is concerned with day-to-day constitutional court cases and legal opinion work, this Division is concerned with constitutional reform and the broader political science and policy issues.

On July 13, 1984, the Deputy Minister (Constitutional Affairs) was appointed the Deputy Minister for the Ministry, leaving the Division with a staff of two.

Constitutional Reform

a) Property Rights

The omission of guaranteed protection of property rights from the new *Canadian Charter of Rights and Freedoms* is viewed by the government as a serious flaw in the *Charter* which Parliament and provincial legislatures should correct as quickly as possible.

British Columbia was the first province to initiate an amendment to the Constitution of Canada under the new amending formula when on September 21, 1982, the British Columbia Legislature unanimously passed the following resolution moved by the Minister of Intergovernmental Relations, the Honourable Garde B. Gardom, Q.C.:

> Be it resolved that, as the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be initiated by the Legislative Assembly of a province, We, the Members of the Legislative Assembly of the Province of British Columbia hereby authorize the Governor General to issue a Proclamation under the Great Seal of Canada to amend section 7 of the Canadian Charter of Rights and Freedoms so that it reads as follows:
>
> > "7. Everyone has the right to life, liberty, security of the person and *enjoyment of property*, and the right not to be deprived thereof except in accordance with the principles of fundamental justice."
>
> and urge that the Legislative Assemblies of all other provinces and the Senate and House of Commons pass similar resolutions.

Since then the Minister has written, delivered speeches and travelled to other jurisdictions seeking support for the passage of the property rights resolution in their legislatures. The proposed amendment to become effective requires a resolution by the Federal Parliament and seven provinces having at least fifty percent of the population of Canada. (See Appendix D(b)) In 1984 a brochure entitled, "Guaranteeing Your Property Rights" was published by the Ministry and circulated across Canada.

While the Yukon and New Brunswick Legislative Assemblies passed resolutions supporting the entrenchment of property rights in 1983, Ontario, which had indicated support, has not introduced the necessary resolution.

The House of Commons debated the question of passing a property rights resolution identical to that passed by British Columbia in April 1983, December 1984, and again in February 1985, but the federal government continues to appear uncertain on this issue.

b) Federal Institutions

The cornerstone of British Columbia's constitutional proposals for several years has been the necessity for major reforms in the central institutions of our country such as the Senate, the Supreme Court of Canada, and major federal boards and commissions.

These institutions have a major impact on all regions of the country in setting, and in some cases, implementing national policy on a broad range of highly significant social and economic issues.

One of the most serious defects in our present constitutional arrangements is the imbalance of representation and inadequacy of the structure of the central institutions to deal with the needs and aspirations of outlying regions such as British Columbia.

Since 1976, British Columbia has been calling for reform of Canada's Senate so that it in fact brings provincial and regional interests to bear in the national decision making process as it was intended to do.

Much of the thrust of British Columbia's proposals has been adopted by other governments, such as Alberta in its 1982 Discussion Paper calling for a provincially appointed Senate and in various reports and studies such as the Pepin-Robarts Task Force on Canadian Unity. Indeed at the Premiers' Conference on August 22, 1984, Premier Davis of Ontario called for work to begin on establishing an institution of federalism of the kind espoused by British Columbia for years.

In October 1978, the Progressive Conservative Party of Canada issued a discussion paper entitled, "The Constitution of National Unity" advocating reform of the Senate to a "House of the Provinces" with powers similar to that proposed by B.C.

On August 6, 1984, Mr. Brian Mulroney, then as Opposition Leader, made a major speech on constitutional issues advocating setting up a federal-provincial advisory and coordinating body at the highest level working together in an appropriate institutional framework to ". . . ensure that we do not duplicate provincial activities or launch programs that are incompatible with provincial programs . . ."

Mr. Mulroney was apparently not talking about Senate Reform *per se* but a new body of the eleven First Ministers "working together in an appropriate institutional framework." The agreement to hold annual First Ministers' Conferences signed at the First Ministers' Conference on the Economy on February 15, 1985, may be considered one step in that direction.

In March 1985, the federal government began a re-examination of Senate reform.

During the year, the Division provided analyses of various Senate reform proposals and provided comprehensive briefing materials on the reform of National Institutions for the use of the Premier at the August, 1984 Annual Premiers' Conference and the February, 1985 First Ministers' Conference.

c) Aboriginal Constitutional Matters

Two of the four First Ministers' Constitutional Conferences on Aboriginal Matters, as required under the Constitution have been held. The third is to take place on April 2 and 3, 1985, and the final First Ministers' Conference must be held before April 17, 1987.

The emphasis of recent discussions has been on the subject of aboriginal self-government and whether to entrench aboriginal self-government in the Constitution.

The province's position has been "define, then sign" coupled with a willingness to negotiate models of local self-government at the band level.

Special Projects

Offshore Resources

Settlement of the long outstanding federal provincial question of the ownership of offshore seabed resources on the coast of British Columbia could provide increased economic development for the benefit of British Columbia and Canada.

May 17, 1984 was an historic day for British Columbians as the Supreme Court of Canada ruled that the seabed of Georgia, Juan de Fuca, Johnstone and Queen Charlotte Straits were the property of British Columbia. The decision clarified for all time that the submerged land beneath the straits is provincial territory. This culminated a Reference to the Courts initiated several years earlier, in which members of this Division have played a major role in legal research and acting as counsel before the courts throughout.

The *Georgia Strait* decision has implications with respect to the settlement of the question of the ownership and control of offshore seabed resources in the northern coastal waters of the province such as Hecate Strait between the mainland and the Queen Charlotte Islands.

During the period covered by this report, the Director, Constitutional Affairs and Special Projects, continued to work closely with senior officials of the Ministry of Energy, Mines and Petroleum Resources in the development of provincial policy on the offshore resources issue, including a position paper outlining the province's basis for resolution of the issue in forthcoming negotiations with the federal government. (See Position Paper, Appendix D(c))

E. & N. Railway

Since 1976, the Deputy Minister and the Director, Constitutional Affairs and Special Projects, have, at a number of Hearings before the Canadian Transport Commission and in the courts, played a leading role in seeing that the companies' responsibility for operating the passenger train service between Victoria and Courtenay continues and that the E. & N. passenger train service on Vancouver Island is enhanced.

Canada-U.S.A. West Coast Salmon Agreement

The Deputy Minister, along with senior officials of the Ministry of Environment, has for many years headed-up provincial representation on the Canadian negotiating team seeking an agreement between Canada and the United States on an equitable sharing of salmon originating in each country's waters.

The issue was of particular importance to Canada and British Columbia as U.S. fishermen were intercepting many more "Canadian fish" than Canadian fishermen were intercepting fish originating in U.S. waters.

Finally, on January 25, 1985, an agreement was reached and on March 18, 1985, a treaty was signed by Prime Minister Mulroney and President Reagan, which is expected to greatly enhance production and limit the catch of each country based on the principle that each country receives benefits equivalent to the production of salmon originating in its waters.

Cabinet Secretariat

The Government of B.C. adopted the Cabinet Committee system in 1976 as part of the Office of Intergovernmental Relations in the Premier's Office. In 1979, the Cabinet Secretariat unit became a Division of the Ministry of Intergovernmental Relations.

The Cabinet Committee system operates to ensure that cabinet submissions and policy issues are reviewed by specialized committees.

Follow-up from Cabinet decisions is the responsibility of the Secretary to Cabinet, who is the Executive Director of the Cabinet Secretariat. The Cabinet Secretariat performs secretariat services for all Cabinet Committees, except Treasury Board and the Cabinet Committee on Expo 86 Official Visits.

The Cabinet Committees provide direction to the ministries of government and refer broad policy questions to full Cabinet. Policy direction and decisions are made at the Cabinet level.

Overview of Cabinet Committee System

The Cabinet Committee system of decision making provides for:

- efficient use of ministerial and staff time;
- an information exchange, and an opportunity for Ministers to brief their colleagues;
- an early in-depth debate, consideration and refinement of issues before they reach full Cabinet;
- an examination of financial and economic feasibility;
- reconciliation of long-term and short-term goals in various policy fields;
- official briefings of Ministers by their staff on technical aspects of issues in a policy field;
- efficient implementation of decisions; and
- consultation with other ministries and agencies on related issues.

The Cabinet Committee system coordinates and establishes an efficient flow and quality of information reaching Cabinet. It was designed to assist in managing the numerous and complex decisions Cabinet is required to make.

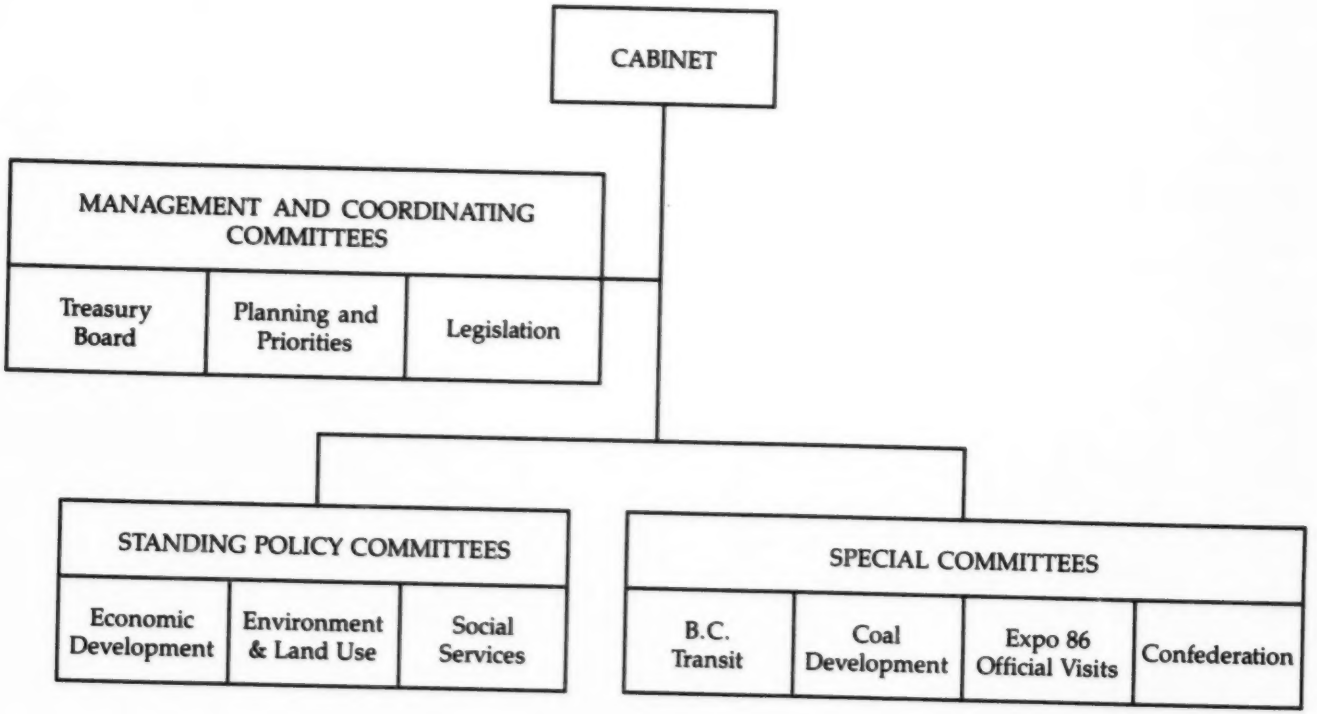
The Committee process provides a way to ensure that all factors and issues are considered before various decisions are taken.

In short, it allows for a systematic management of Cabinet deliberations.

The number of committees, their mandates, membership, and chairmanship are determined by the Premier, as Chairman of the Executive Council.

A Senior Secretary is assigned from the Cabinet Secretariat staff to each committee to ensure the proper management and operations of the committee's activities. This includes coordinating the preparation and distribution of briefing materials, providing policy and procedural advice to the committee, setting the agendas, maintaining records of decision, and tracking issues, policy matters, and legislation.

Structure of Major Cabinet Committees



For detailed membership *see* Appendix A.

Committee Mandates

There are three types of Cabinet Committees: the Management and Coordinating Committees, the Standing Policy Committees and the Special Committees, the latter of which are formed from time to time to deal with specific issues.

Several of the committees are established by statute. These include Treasury Board *(Financial Administration Act)*, Environment and Land Use *(Environment and Land Use Act)*, and B.C. Transit *(B.C. Transit Act)*.

An item coming before Cabinet normally originates in one of the Standing Policy Committees or one of the Special Committees. Once the item has been assessed by the Committee, it may either be approved for implementation and proceed directly to Cabinet, or be referred to the second level of review, the Management and Coordination Committees. This level is designed to coordinate policy proposals, legislation, and proposals with staffing, financial and budgetary implications arising from discussions and decisions of the working committees. Most cabinet submissions and proposed legislation are only referred to these coordinating committees or full Cabinet if they have been reviewed and approved by one of the Standing Policy or Special committees.

Each of the three Standing Policy Committees are supported by committees of Deputy Ministers from the respective ministries. The Secretariat provides secretariat services to each of the Deputy Ministers Committees and some of their subcommittees. Many of the issues addressed by Cabinet originated with the Deputy Ministers' Committees.

Management and Coordinating Committees

1. *The Cabinet Committee on Planning and Priorities*, chaired by the Premier, meets to consider matters relating to general government policy and the establishment of specific priorities. The Honourable Garde B. Gardom, Q.C., is a member of this Committee.

2. *The Cabinet Committee on Legislation*, chaired by the Honourable Garde B. Gardom, Q.C., Minister of Intergovernmental Relations and Government House Leader, is responsible to ensure that all draft legislation or revisions to existing legislation reflects government policy.

   In 1984-85, the committee met twenty-five times and considered one hundred and forty-nine pieces of draft legislation.

3. *The Treasury Board* chaired by the Honourable Hugh Curtis, Minister of Finance, maintains an overview of the government's expenditures, asset management, and staffing plans, and ensures that policy and program decisions are taken with full consideration of the costs and expenditure limits. This Committee focuses on the government's overall budgetary framework, asset position, and the value and efficiency of programs. Secretariat services for this Committee are provided by Treasury Board staff. The Secretary is the Deputy Minister of Finance. The Honourable Garde B. Gardom, Q.C., is a member of this Committee.

Standing Policy Committees

4. *The Cabinet Committee on Economic Development (CCED)*, chaired by the Honourable Robert McClelland, Minister of Industry and Small Business Development, is responsible for formulating policies and programs, which encourage comprehensive industrial and economic development in British Columbia. This Committee considers cabinet submissions and meets with organizations and individuals concerned with economic development in the Province of British Columbia.

5. *The Cabinet Committee on Social Services (CCSS)*, chaired by the Honourable Grace McCarthy, Minister of Human Resources, is responsible for formulating policies and programs, which encourages the development of a comprehensive social policy framework for British Columbia. This Committee considers cabinet submissions and meets with delegations and individuals concerned with the development of social policy in the province. The Honourable Garde B. Gardom, Q.C., is a member of this Committee.

6. *The Cabinet Committee on Environment and Land Use (ELUC)*, chaired by the Honourable Austin Pelton, Minister of Environment, is responsible for integrating land and resource use policy, and resolving land use conflicts. It also deals with the impact on the environment of major development projects in the province. This Committee considers cabinet submissions and appeals from decisions of the Agricultural Land Commission, under the *Land Commission Act*.

Special Committees

7. *The Cabinet Committee on Coal Development* is responsible for coal development in the province. The Committee ceased to operate in 1984.

8. *The Cabinet Committee on British Columbia Transit*, chaired by the Honourable Grace McCarthy, Minister of Human Resources, is required by statute to approve the annual operating budget of the Authority. Additionally, it is responsible for considering and resolving issues to do with public transportation in the province.

9. *The Cabinet Committee on Expo 86 Official Visits*, chaired by the Honourable Garde B. Gardom, Q.C., is responsible for planning and coordinating official visitors to Expo 86. The Committee was created in 1984 and will cease operations in late 1986.

10. *The Cabinet Committee on Confederation*, chaired by the Honourable Garde B. Gardom, Q.C., is responsible for reviewing policy proposals relating to constitutional and federal provincial reform initiatives. The Committee Secretary is the Deputy Minister of Intergovernmental Relations.

Committee Activities

The Cabinet Secretariat experienced a significant administrative change during the fiscal year. A computer-based information system for managing the records of the Cabinet Committee activities was implemented. The new system provided an enhanced ability to respond quickly to the multiple demands on the Secretariat. In addition, two of the three Senior Secretaries moved to other ministries and two new Secretaries joined the Secretariat.

The Secretariat provided administrative support for over two hundred meetings of Cabinet and its Committees where the Committee members considered over seven hundred items. This activity included arranging presentations and tours for the Committees to Penticton, Osoyoos, Oliver, and the southern Queen Charlotte Islands.

In addition, the policy committees received briefs and presentations from more than fifty organizations during the year including the Canadian Manufacturers' Association, the Asia Pacific Foundation, the Association of Professional Engineers, the Mining Association of British Columbia, the B.C. Federation of Agriculture, the Coal Association of Canada, the Council of Forest Industries and CPPA, the Electronic Manufacturers' Association of B.C., the Canadian Association of Aerial Surveyors, Chevron Canada Resources Limited, the Canadian Shipbuilding and Ship Repairing Association, the Pacific Trollers Association, the Canadian Federation of Independent Business, Pacific Tall Ships Association, the Union of British Columbia Municipalities, the Pharmaceutical Manufacturers' Association of Canada, and the British Columbia Health Association. The tours and meetings with groups during the year were seen as a method of making the committees more accessible to residents of all parts of the province.

The Environment and Land Use Committee heard eight appeals under the *Land Commission Act*, and considered thirty boundary adjustments recommended by local governments. These deliberations resulted in a continued refinement of the Agricultural Land Reserve.

British Columbia House, London

British Columbia has been represented in London for over 113 years. Mr. Alex Hart, Q.C., the present Agent General for British Columbia, was appointed January 1, 1981.

British Columbia has had eighteen Agents General over the past century, to represent the Province's interests in the United Kingdom and Europe. As a result of the foresight of Sir Richard McBride, former Premier and Agent General, construction of the present B.C. House commenced in 1913. Today, over three-quarters of the total expenditures for its operation are received through the rents paid by tenants in the premises. British Columbia is the only province in Canada that owns its own building in London; all other provincial houses rent their facilities.

B.C. House continued to play an important role to British Columbia visitors using No. 1 Regent Street as their home-away-from-home address when visiting the United Kingdom and Europe.

The year covered by this report saw a tremendous increase in Canadian visitors in general and British Columbia visitors in particular. This was partially due to the strength of the Canadian dollar against the pound sterling.

The British Columbia monthly newsletter published by B.C. House was distributed free of charge throughout the United Kingdom and Europe to business, financial organizations, and individuals with interest in the Province. The newsletter related the latest industrial, financial, tourism, and social developments in the province.

The film and slide library continued to receive many requests. Travel agencies and schools along with B.C. House's own promotional program made up the greatest demand. In addition, full cooperation in preparation of trips to British Columbia was given to European journalists and broadcasters.

As the opening date for Expo 86 drew nearer, B.C. House and the three ministries housed in the building became more and more involved with Expo promotion. The Ministries of Intergovernmental Relations, International Trade and Investment, and Tourism all worked together in promoting every aspect of British Columbia.

B.C. House played an important role in the promotion of B.C. apples and other B.C. products. The U.K. firm of Glass Glover continued to be British Columbia's largest *importer* of B.C. apples. About a half a million cases of B.C. apples were placed in all the major U.K. supermarkets during the pre-Christmas season, with their sale running well into late spring.

One of the many services offered by B.C. House to government officials, which is organized and planned though the Director of Information's office, was to arrange meetings for visiting members of government. This applied to the Cabinet level, Deputy Minister level, and senior government employees to facilitate their carrying on government business in the U.K. and Europe. B.C. House representatives worked in close cooperation with their counterparts in the Canadian High Commission in setting up meetings both in the U.K. and Europe. B.C. House was also in contact with the Foreign Office to assist in arranging appointments with senior British government officials.

B.C. House was greatly honored by a visit from the Honourable R.G. Rogers, Lieutenant-Governor of British Columbia, who was principal guest speaker at the annual dinner of the U.K. Timber Trade Federation in April, 1984.

During the April 1984 to March, 1985 period, several British Columbia Cabinet Ministers, Deputy Ministers, Government Officials and provincial businessmen visited B.C. House in London, including:

Honourable Tom Waterland, Minister of Forests

Honourable Claude Richmond, Minister of Tourism

Honourable Don Phillips, at that time Minister of Industry and Small Business Development

Honourable Hugh Curtis, Minister of Finance

Honourable Brian Smith, Q.C., Attorney General

Honourable James Hewitt, Minister of Consumer and Corporate Affairs

Honourable James Nielsen, Minister of Health

Honourable Dr. Pat McGeer, Minister of Universities, Science and Communications

In addition, Honourable Garde Gardom, Q.C., Minister of Intergovernmental Relations, paid a visit to B.C. House during the year. Mr. Gardom carried out a number of discussions with British government authorities pertaining to the constitutional history of British Columbia. He also inspected the techniques used in televising the House of Lords and House of Commons.

Mayor Michael Harcourt and his delegation from Vancouver visited B.C. House, where an audio-visual program on Expo was shown.

The Terry Fox Run in London, a B.C. House's annual project, continues to be a tremendous success. The amount raised for Cancer Research in the 1984 run was in excess of £6,000. B.C. House and its employees play an important role in this worthwhile fund raising project, the proceeds of which are equally divided between the Canadian Cancer Society and the British Cancer Research Campaign.

The Agent General represented British Columbia's interests in such diverse places as Oslo, Stockholm, Paris, Bonn, Liverpool, Stratford-Upon-Avon, West Midlands, Edinburgh, Aberdeen, Kings Lynn. Mr. Hart wishes to thank the staff at B.C. House for their excellent work during the past year.

Appendix A

Cabinet Committee Chairmen
March 31, 1985

Cabinet

Chairman — Premier William R. Bennett
Room 156, West Annex, Parliament Buildings, Victoria, B.C. V8V 4R3
Telephone: 387-1715

Cabinet Committee on Planning and Priorities

Chairman — Premier William R. Bennett
Room 156, West Annex, Parliament Buildings, Victoria, B.C. V8V 4R3
Telephone: 387-1715

Cabinet Committee on Legislation

Chairman — Honourable Garde B. Gardom, Q.C.
Room 137, Parliament Buildings, Victoria, B.C. V8V 1X4
Telephone: 387-5845

Treasury Board Committee of Cabinet

Chairman — Honourable Hugh A. Curtis
Room 103, Parliament Buildings, Victoria, B.C. V8V 1X4
Telephone: 387-3751

Cabinet Committee on Economic Development

Chairman — Honourable Robert H. McClelland
Room 310, Parliament Buildings, Victoria, B.C. V8V 1X4
Telephone: 387-6921

Cabinet Committee on Social Services

Chairman — Honourable Grace M. McCarthy
Room 248, Parliament Buildings, Victoria, B.C. V8V 1X4
Telephone: 387-1187

Cabinet Committee on Environment and Land Use

Chairman (until March 1985) — Honourable Anthony J. Brummet
Chairman (from March 1985) — Honourable F.C. Austin Pelton
Room 276, Parliament Buildings, Victoria, B.C. V8V 1X4
Telephone: 387-5202

Cabinet Committee on B.C. Transit

Chairman — Honourable Grace M. McCarthy
Room 248, Parliament Buildings, Victoria, B.C. V8V 1X4
Telephone: 387-1187

Cabinet Committee on Expo 86 Official Visits

Chairman — Honourable Garde B. Gardom, Q.C.
Room 137, Parliament Buildings, Victoria, B.C. V8V 1X4
Telephone: 387-5845

Cabinet Committee on Confederation

Chairman — Honourable Garde B. Gardom, Q.C.
Room 137, Parliament Buildings, Victoria, B.C. V8V 1X4
Telephone: 387-5845

Cabinet Committees Membership
March 31, 1985

Planning and Priorities

Honourable W.R. Bennett, (Chairman)	— Premier
Honourable Hugh Curtis	— Finance
Honourable James Nielsen	— Health
Honourable Grace McCarthy	— Human Resources
Honourable Robert McClelland	— Industry and Small Business Development
Honourable Garde Gardom, Q.C.	— Intergovernmental Relations

Treasury Board

Honourable Hugh Curtis (Chairman)	— Finance
Honourable James Hewitt	— Consumer and Corporate Affairs
Honourable Jack Heinrich	— Education
Honourable Robert McClelland	— Industry and Small Business Development
Honourable Garde Gardom, Q.C.	— Intergovernmental Relations
Honourable James Chabot	— Provincial Secretary and Government Services

Legislation

Honourable Garde Gardom, Q.C. (Chairman)	— Intergovernmental Relations
Honourable Harvey Schroeder	— Agriculture and Food
Honourable Brian Smith, Q.C.	— Attorney General
Honourable James Hewitt	— Consumer and Corporate Affairs
Honourable Stephen Rogers	— Energy, Mines and Petroleum Resources
Honourable James Nielsen	— Health
Honourable Claude Richmond	— Tourism

Economic Development

Honourable Robert McClelland (Chairman)	— Industry and Small Business Development
Honourable Harvey Schroeder	— Agriculture and Food
Honourable Stephen Rogers	— Energy, Mines and Petroleum Resources
Honourable Austin Pelton	— Environment
Honourable Hugh Curtis	— Finance
Honourable Tom Waterland	— Forests
Honourable Don Phillips	— International Trade and Investment
Honourable Terry Segarty	— Labour
Honourable Anthony Brummet	— Lands, Parks and Housing
Honourable Bill Ritchie	— Municipal Affairs
Honourable Claude Richmond	— Tourism
Honourable Alex Fraser	— Transportation and Highways

Social Services

Honourable Grace McCarthy (Chairman)	— Human Resources
Honourable Brian Smith, Q.C.	— Attorney General
Honourable James Hewitt	— Consumer and Corporate Affairs
Honourable Jack Heinrich	— Education
Honourable Hugh Curtis	— Finance
Honourable James Nielsen	— Health
Honourable Garde Gardom, Q.C.	— Intergovernmental Relations
Honourable Terry Segarty	— Labour
Honourable James Chabot	— Provincial Secretary and Government Services
Honourable Patrick McGeer	— Universities, Science and Communications

Environment and Land Use

Honourable Austin Pelton (Chairman)	— Environment
Honourable Harvey Schroeder	— Agriculture and Food
Honourable Stephen Rogers	— Energy, Mines and Petroleum Resources
Honourable Tom Waterland	— Forests
Honourable Robert McClelland	— Industry and Small Business Development
Honourable Anthony Brummet	— Lands, Parks and Housing
Honourable Bill Ritchie	— Municipal Affairs
Honourable Alex Fraser	— Transportation and Highways

B.C. Transit

Honourable Grace McCarthy (Chairman)	— Human Resources
Honourable James Hewitt	— Consumer and Corporate Affairs
Honourable Stephen Rogers	— Energy, Mines and Petroleum Resources
Honourable Hugh Curtis	— Finance
Honourable Bill Ritchie	— Municipal Affairs
Honourable Alex Fraser	— Transportation and Highways

Expo 86 Official Visits

Honourable Garde Gardom, Q.C. (Chairman)	— Intergovernmental Relations
Honourable Don Phillips	— International Trade and Investment
Honourable James Chabot	— Provincial Secretary and Government Services
Honourable Claude Richmond	— Tourism

Confederation

Honourable Garde Gardom, Q.C. (Chairman)	— Intergovernmental Relations
Honourable Brian Smith, Q.C.	— Attorney General
Honourable James Nielsen	— Health
Honourable James Chabot	— Provincial Secretary and Government Services

Appendix B

Estimates 1984/1985

	$	Staff
Minister's Office	125,531	3
Ministry Operations (including B.C. House, Ottawa)	1,601,093	32
B.C. House, London	708,783	5
Total Operating Expenses	2,435,407	40

Appendix C

Directory of Senior Personnel

Minister of Intergovernmental Relations
Honourable Garde B. Gardom, Q.C.
Room 137, Parliament Buildings, Victoria,
B.C. V8V 1X4
Telephone: 387-5845

Deputy Minister
Mr. Melvin H. Smith, Q.C.
468 Belleville Street, Victoria, B.C. V8V lX4
Telephone: 387-5221, Loc. 18

Federal Provincial/International Relations
Executive Director — Peter Heap
468 Belleville Street, Victoria, B.C. V8V 1X4
Telephone: 387-5221, Loc. 21

Constitutional Affairs and Special Projects
Director — Norman M. Tarnow
468 Belleville Street, Victoria, B.C. V8V 1X4
Telephone: 387-5221, Loc. 17

Cabinet Secretariat
Executive Director — Bert Hick
Room 101, Parliament Buildings, Victoria,
B.C. V8V 1X4
Telephone: 387-6958

B.C. House, London
Agent General — Alex H. Hart, Q.C.
No. 1 Regent Street, London England
SW1Y 4NS
Telephone: (01) 930-6857

B.C. House, Ottawa
Representative — Heather Sheffield
Royal Bank Centre, 506-90 Sparks Street,
Ottawa, Ontario K1P 5B4
Telephone: (613) 234-8451

Appendix D

Policy Statements

(a) Skagit Agreement News Release

B.C. Intergovernmental Relations Minister Garde Gardom and Environment Minister Tony Brummet met today with Seattle Mayor Charles Royer to sign the final B.C.-City of Seattle Agreement on the Skagit Valley. The agreement will prevent the raising of Ross Dam and flooding of the Skagit Valley in southwestern B.C. in return for a guarantee by B.C. to supply power which this would have generated.

"This agreement represents one of the final steps in the resolution of this long-standing issue," said Mr. Gardom. "Our signing today paves the way for the signing next week of a Canada-U.S. treaty to confirm the terms of this arrangement at the level of our respective Federal governments."

The basic terms of the agreement were reached in April of 1983 following 10 months of negotiations under the auspices of a consultative board consisting of representatives of the International Joint Commission, the Province of B.C. and the City of Seattle, External Affairs and U.S. State. This board was established following an order made in April of 1982 by the International Joint Commission for a one-year moratorium on the raising of Ross Dam to allow the development of an agreement between the two parties.

"The principle benefit to B.C. is in the Skagit Valley itself," said Brummet. "We now have guarantees that some 5,000 acres of irreplaceable recreational wilderness will remain intact. Because of its geographical location it is ideally suited for the enjoyment of both countries and will be managed accordingly."

The agreement creates a unique opportunity to enhance the values of the upper Skagit for all North Americans. The Environmental Endowment Fund Commission, made up of four provincial and four Seattle members, will supervise a revolving fund to enhance recreational opportunities, wildlife, habitat and preserve threatened properties in the Skagit drainage.

"This is an example of a circumstance where the problem becomes the opportunity," Royer said. "Seattle pays good value to the Province and becomes a market for electricity which is in surplus.

"Where we once called one another names over the Skagit, we will together create strategies to save more of it. This is a good piece of work."

March 30, 1984

Terms of the Agreement

1. Seattle will not flood the Skagit Valley.
2. British Columbia will supply Seattle with electrical capacity and energy which is roughly equivalent to that which would have been produced by High Ross Dam.
3. Seattle will pay British Columbia $21,848,000 (U.S.) per year for 35 years, beginning in 1986, or the same as it would have paid to build High Ross had it borrowed money in December, 1982.
4. British Columbia is to pay wheeling (power transmission) costs from Blaine to Seattle.
5. British Columbia can raise Seven Mile Dam on the Pend d' Oreille River near Trail and flood Seattle-owned land without compensating Seattle. This is equivalent to 50% of High Ross energy, and will cause 140 acres of flooding in B.C. and 60 acres in Washington State.
6. The agreement is for 80 years; 1986-2066. The B.C. energy surplus in early years, the investment options using Seattle payments, and the Seven Mile availability throughout the agreement are considered of sufficient value to compensate B.C. over the 80-year term.
7. The parties will review the terms and conditions of the agreement at future intervals.
8. Seattle may terminate the agreement by giving 5 years notice. It would then forfeit any right to flood the Skagit Valley. British Columbia may terminate the agreement

by giving 5 years notice. Seattle would then be permitted to flood the Skagit Valley without paying compensation to British Columbia other than the continued right to flood U.S. territory behind the Seven Mile Dam. If Seattle chooses not to flood, British Columbia must provide Seattle 1.05 MW as compensation for Seven Mile (approximately 5% of additional output); British Columbia would retain full rights to Seven Mile. If Seattle chooses to flood, British Columbia will return to Seattle a sum sufficient to construct High Ross at that time, less the capitalized value in that year of Seattle's unpaid payments; B.C. retains full right to Seven Mile.

9. The agreement provides the mechanism for resolution of disputes.

10. Seattle will be the main contributor to an Environmental Endowment Fund. Total initial funding will be $5,000,000 with Seattle contributing $4,000,000; a large majority of expenditures will be made on the B.C. side of the border. The fund will be enhanced annually by both parties.

11. Seattle will cede to the Province its privately-held land in British Columbia (640 acres).

12. The agreement will be implemented with a treaty between Canada and the U.S.

SIGNING OF CANADA-B.C. SKAGIT AGREEMENT, OCTOBER 29, 1984

Left to right: Hon. Suzanne Blais-Grenier, Federal Minister of Environment; Rt. Hon. Joe Clark, Secretary of State for External Affairs; Hon. Garde B. Gardom, Q.C., Minister of Intergovernmental Relations; Hon. Tony Brummet, Provincial Minister of Environment.

(b) Property Rights News Release

VANCOUVER — "The omission of property rights from Canada's new Charter of Rights and Freedoms continues to be a serious constitutional flaw which Parliament and provincial legislatures have an obligation to correct forthwith," Intergovernmental Relations Minister Garde Gardom said today.

"These rights must now, without delay, become part of our constitutional heritage," Mr. Gardom said in a speech to the Vancouver Arbutus Rotary Club.

"Western democracies are based upon four basic individual rights — the right to life, the right to liberty, the right to security of the person, and the right to enjoy property. Each of these was implicit in English and now Canadian common law."

"But when the Charter of Rights and Freedoms was drawn up codifying much of the common law, no specific reference to property rights was included. A worse consequence could mean that other fundamental freedoms that were common law freedoms could be imperilled," he said.

The Minister warned that it is not inconceivable that questions could arise whether this omission might place some other constitutional fundamental freedoms in the Charter at risk and subject to varieties of attack.

"The narrow perception of property rights as real estate rights leads some people to misrepresent them as special rights for the wealthy," he said. "Yet property rights were related to all tangible possessions as well as the intellectual creations of the individual, e.g. writings, art, music."

Mr. Gardom explained that property includes the products of our national culture and the labour and emanations of our intelligence and creativity. He said it reaches far beyond mere real estate and personal chattels. So it is the very great majority of Canadians who most need property rights as an integral component of their guarantee of fundamental freedoms.

"It must be noted," he added, "that the Constitution of Canada, which includes the Charter of Rights and Freedoms, is the supreme law of Canada and the umbrella legislation which can override any other inconsistent law."

"Hence existing laws governing property — real estate and personal property, copyright and patent — stand alone without the benefit of an umbrella 'enjoyment of property' provision in the Charter."

The Minister concluded by saying, "The universal law, which now arches over all Canadians and over all their laws, will remain hollow and hungry with respect to this principle until Parliament and the legislatures pass the needed resolutions to replenish property rights within the Constitution."

October 5, 1984

(c) British Columbia Offshore Resources Position Paper

The British Columbia offshore resources issue calls for a different solution from the one the new Government of Canada has proposed for Newfoundland, focusing as it does on the continental shelf.

Unlike Newfoundland, whose continental shelf extends some two hundred miles; the continental shelf off British Columbia is relatively small. Most prospective areas for energy resources on the West Coast are *landward* of the outer limit of the territorial sea over which Canada has full sovereignty (as opposed to the right to merely explore and exploit on the shelf). The area of concern to British Columbia includes the bed of Hecate Strait and Queen Charlotte Sound - internal waters that, unlike the Newfoundland continental shelf, have not been ruled on by the courts as being under federal authority.

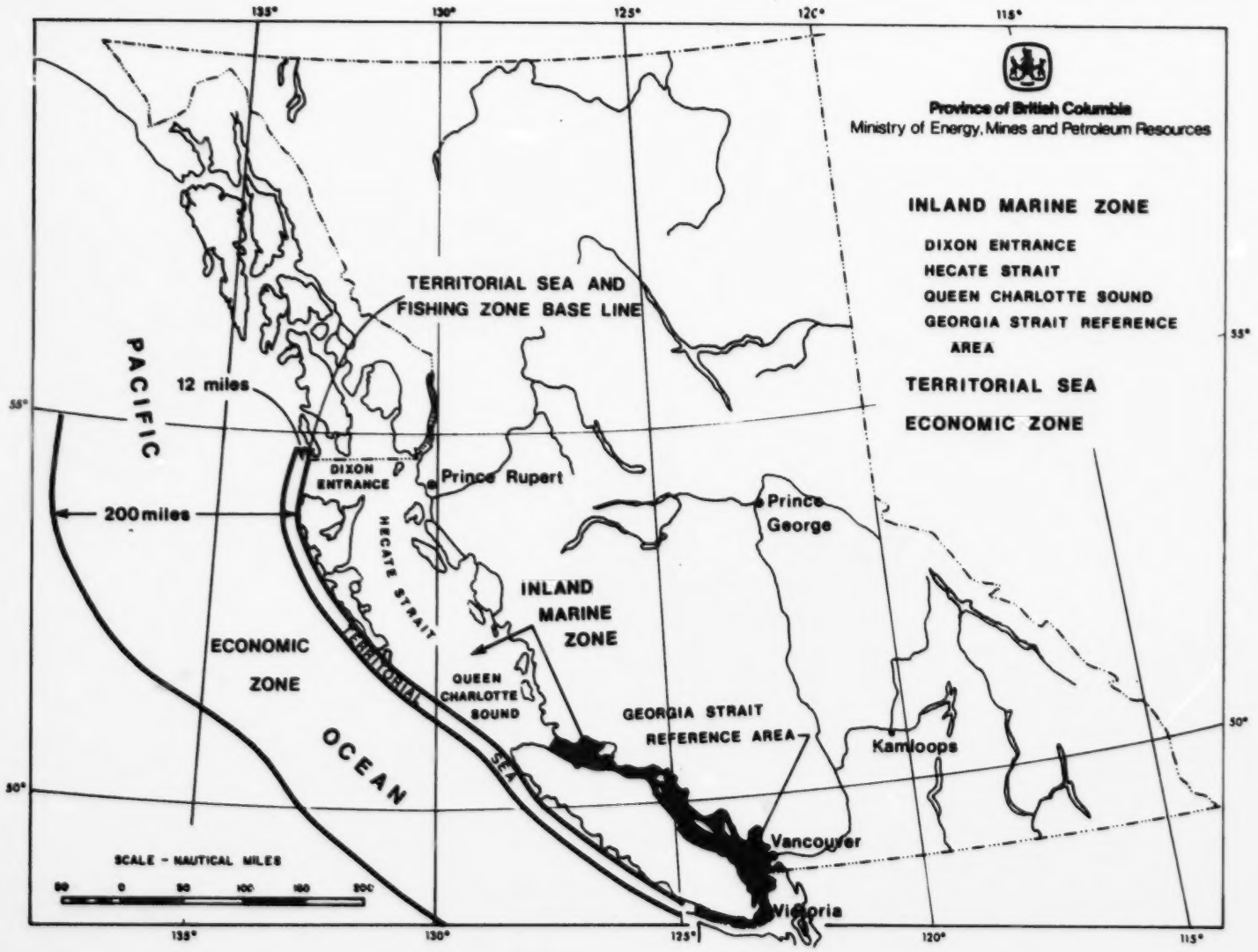
While the courts have ruled that the continental shelf off B.C. and Newfoundland is federal, the territorial sea off Newfoundland, unlike B.C., has been ruled to belong to Newfoundland. This inequitable situation should be remedied in an overall settlement of the offshore question on the West Coast. In other federations, such as Australia and the United States, there was a political settlement made under which the territorial sea off the coastal states was brought within the boundaries of those states.

British Columbia believes that the long standing offshore resources question on the West Coast can best be dealt with by confirmation of the boundaries of the province to include the bed of the provincial inland waters such as Hecate Strait, Queen Charlotte Sound and Dixon Entrance with extension of the boundary of the province to include the bed of the twelve mile territorial sea. This can be easily accomplished by bilateral federal and provincial legislation pursuant to s. 3 of the *Constitution Act, 1871*. The boundaries of many of the other provinces have been extended by this bilateral process several times over the years.

There would be no question that the distribution of legislative powers would apply to the internal waters and territorial sea, just as it applies at present to the rest of the province. For example, the Parliament of Canada would continue to have legislative authority over the tidal fishery, and navigation and shipping in the waters, just as it has in areas of land covered with water that are presently clearly within the boundaries of the province such as Georgia Strait. The province would as well give first consideration to companies presently granted rights in the area by the federal government.

Reciprocal federal and provincial "British Columbia Boundaries Acts" confirming that the bed of B.C.'s internal waters is within the boundaries of the province, and extending the boundary to include the bed of the territorial sea would go a long way toward quickly resolving the protracted federal provincial dispute with respect to British Columbia's offshore in a simple, straight-forward manner suited to the West Coast.

As to the areas beyond the territorial sea, namely the continental shelf and two hundred mile economic zone, the reciprocal Acts extending British Columbia's boundary could also contain a provision implementing a "Mulroney-Peckford" type offshore resource agreement with respect to those areas. Such a provision could be easily accomplished bilaterally pursuant to s. 43 of the *Constitution Act, 1982* without the necessity of the consent of the other provinces under the general amending formula.


Province of British Columbia
Ministry of Energy, Mines and Petroleum Resources
INLAND MARINE ZONE
DIXON ENTRANCE
HECATE STRAIT
QUEEN CHARLOTTE SOUND
GEORGIA STRAIT REFERENCE AREA
TERRITORIAL SEA
ECONOMIC ZONE
TERRITORIAL SEA AND FISHING ZONE BASE LINE
12 miles
200 miles
PACIFIC
OCEAN
ECONOMIC ZONE
DIXON ENTRANCE
HECATE STRAIT
QUEEN CHARLOTTE SOUND
INLAND MARINE ZONE
GEORGIA STRAIT REFERENCE AREA
TERRITORIAL SEA
Prince Rupert
Prince George
Kamloops
Vancouver
Victoria
SCALE - NAUTICAL MILES
135°
130°
125°
120°
115°
55°
50°